

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 32166 of 2006(D)

PETITIONER:

1. SEENATH K., D/O. MOIDUTTY,
KOLAKKADAN HOUSE, KOTTAPPURAM P.O.,
PALAKKAD DISTRICT.
2. JAYASHREE K.S., W/O. JAGANIVASAN,
LAKSHMI KRIPA HOUSE, PALLIKURUP P.O.,
THACHAMPARA, PALAKKAD DISTRICT.
3. OMANA K.C., D/O. K.V.CHACKO,
KOCHUKUDIYIL HOUSE, THACHAMPARA,
PALAKKAD DISTRICT.
4. PRIYA K.C., W/O. JANE PAULOSE,
KOPRATH HOUSE, KOTTOPADAM P.O.,
MANNARKKAD, PALAKKAD DISTRICT.
5. RANI MATHEW, D/O. K.P.MATHEW,
KANHIRAMPARAMBIL (H), JELLIPARA P.O.,
MANNARKKAD, PALAKKAD DISTRICT.
6. DEEPA K.C., W/O. PRADEEP,
KOORIYATTIL HOUSE, KOTTAPPURAM P.O.,
SREEKRISHNAPURAM, PALAKKAD DISTRICT.
7. BINDU P., D/O. V.P.KESAVANKUTTY,
ASWATHY, THACHAMPARA, MANNARKKAD,
PALAKKAD DISTRICT.
8. JYOTHI UNNIKRISHNAN, W/O. PRADEEP,
GANGA NIVAS, THORAPURAM, MANNARKKAD,
PALAKKAD DISTRICT.
9. INDU M., D/O. K.V.MADHAVANKUTTY,
SAKETHAM, MANGALAKUNNU, KATTUKULAM P.O.,
THIRUVAZHIYODE, PALAKKAD DISTRICT.
10. BHAGYALAKSHI,
KRISHNAPRIYA, AGALI P.O.,
PALAKKAD DISTRICT.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:

1. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,
PATTOM, TRIVANDRUM.
2. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE, PALAKKAD.
3. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF HIGHER EDUCATION,
GOVERNMENT OF KERALA, TRIVANDRUM.

BY GOVT. PLEADER SRI. A.J. VARGHESE
SRI. P.C. SASIDHARAN, SC FOR PSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC NO 32166/06

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1. COPY OF THE QUESTION PAPER PREPARED BY R1 FOR THE EXAMINATION CONDUCTED IN NOVEMBER 2005 FOR THE POST OF LOWER PRIMARY SCHOOL ASSISTANT (MALAYALAM)
- EXT.P2. COPY OF THE LIST PUBLISHED BY R1 IN THE MATHRUBHOOMI THOZIL VARTHA DT. 26.5.06 IN RESPECT OF PALAKKAD, IDUKKI ETC.

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 32166 OF 2006

Dated this the 28th day of June, 2007

J U D G M E N T

Petitioners who claim to have participated in the written examination held by the Kerala Public Service Commission in November 2005 for selection and appointment to the post of Lower Primary School Assistant (Malayalam) have filed this writ petition praying for a declaration that the written test held in “Palakkad and other Districts” is thoroughly irregular, bristled with various irregularities, and therefore it is liable to be declared as illegal, void and inoperative. There is a further prayer to interdict the Commission from advising candidates from the list prepared by it on the basis of the above written test.

2. The case of the petitioners appears to be that many of the questions in the question papers were from subjects “outside the syllabus”. They have produced a true photocopy of one such question paper as Ext.P1. According to the petitioners, subjects like Malayalam and Maths were not included in the examination. But questions carrying eleven marks were included in the question paper. Significantly, the syllabus for the examination has not been produced.

3. The other contention raised by the petitioners is that cut off marks fixed by the Commission for each District are “altogether different”.

Of course petitioners have indicated the marks set apart for each District. The contention is that the above method adopted by the Commission is highly discriminatory.

4. It is admitted by the petitioners that the Commission had published the short list and final ranked list after holding the test. The grievance of the petitioners is that their names did not find a place in the list because of the above discrepancies and irregularities.

5. Significantly, this writ petition was filed in December 2006, more than one year after holding of the examination.

6. I have carefully perused the averments made in the writ petition. I do not find any valid reason to allow the prayers made by the petitioners not only for the reason that the writ petition was filed belatedly, but also since petitioners have not placed sufficient materials on record to substantiate their contentions. Indisputably, several candidates who have been included in the list might have been advised already. None of them have been made parties. At this belated stage, it may not be proper or just to upset the settled situation.

Therefore the writ petition fails and it is accordingly dismissed.

A.K. BASHEER, JUDGE

vps

WPC NO.32166/06

Page numbers

A.K. BASHEER, JUDGE

OP NO.20954/00

WPC NO.32166/06

Page numbers

JUDGMENT

1ST MARCH, 2007